

APPROVED 7/23/03

TOWN OF WESTFORD

ZONING BOARD OF APPEALS

MINUTES

DATE: June 18, 2003

TIME: 7:30 P.M.

PLACE: Westford Academy Lecture Hall

PRESENT: Sam Frank, Roger Hall, Jim Kazeniac, Bob Herrmann,
Dave Earl-*arrived at 8:15*

ABSENT: Ron Johnson, Jay Enis

OTHERS

PRESENT: Jennifer Burke, Permitting Office Manager; Audience
Members

VARIANCE – 27 OAK HILL ROAD

Seeking a Variance from Section 3.6 Nonconforming Uses and Structures and Appendix C Table of Dimensional and Density Regulations for an addition that will encroach into the side setback in a Residential B district, Assessor's Map 74, Parcel 77, Dale and Laura LeClair

Frank stated that this case was continued from the meeting of May 21, 2003 due to the absence of the petitioner and/or representation. The petitioner was again absent. Frank stated that the applicant is seeking a Variance to square off the front of their house, part of which extends a few feet into the side yard. The applicant would square off of the house by filling in a corner which would make the structure rectangular. Frank read a portion of the bylaw regarding nonconforming structures. Frank stated that the applicant did not have to apply for a Variance and can now apply for a building permit without any action from the Zoning Board of Appeals. There was no input from the floor. It was moved by Hall, seconded by Herrmann, and VOTED 4 IN FAVOR WITH 3 ABSENT (Johnson, Enis, Earl), to allow Mr. and Mrs. LeClair to withdraw their application without prejudice. Burke to notify the applicant.

SPECIAL PERMIT – ONE LOWELL ROAD

Seeking a Special Permit from Section 3.3.2 to allow the construction of an in-law dwelling addition, Assessor's Map 31, Parcel 62, Lisa A. Simpson

Hooshmand Afshar, TAJ Engineering, was present for the applicant. Afshar outlined plans for an in-law apartment detached from the existing structure. The proposed unit will be one story wood dwelling with one-bedroom and a garage underneath. The in-law apartment would be used by Mrs. Simpson's parents. Frank read the Zoning Bylaw Section 3.3.4 Standards. The pertinent section dealt with a detached structure... *only where such detached accessory structure has been in existence for at least ten (10) years.* The plan proposes to construct a garage with the accessory dwelling above it. Afshar stated that the accessory dwelling has not been in existence for ten years. Frank stated that according to the bylaw the Board is not empowered to grant the request. Herrmann asked if the accessory dwelling could be attached to the house. Mike Hollender, 1 Lowell Road, stated that the way the house is designed (split-level) they are limited on both sides and the front. Hollender stated that they would look at other design options. Frank advised the applicant to read the entire Section 3.3 Accessory Dwelling Units of the Zoning Bylaw. It was moved by Kazeniac, seconded by Hall, and VOTED 4 IN FAVOR WITH 3 ABSENT (Johnson, Enis, Earl), to allow the applicant to withdraw without prejudice.

SUMMER SCHEDULE

July 23 – Tentative 6:30 p.m. start time for regular business and 7:30 for 40B hearings

August 27 – Tentative – Regular business and 40B hearings

USE VARIANCES – 30 TOWN FARM ROAD

Seeking Use Variances to allow the premises to be used for office of trade businesses, to the degree that such a use is not permitted in the IB District and to allow such office to include light assembly and to seek Variances from Section 3.2.2.1.b to allow as accessory to the use, inside storage and from Section 3.2.2.1.a to allow as accessory to the use outside storage and from Section 3.2.2 to allow as accessory to the use parking of commercial vehicles on the premises and to seek to not invalidate the variance issued by the Board of Appeals on August 16, 2000 in matter number BOA 00032-VAR, permitting the premises to be used for the parking of school buses during the term of the school bus transportation contracts with the Town of Westford School Department within unpaved areas, Assessor's Map 24, Parcel 1, Summit Building Services

Attorney Paul Alphen and Bob Kahl, Summit Building Services, Inc., were present. Alphen submitted a Proposed Findings of Fact and a revised plan of the proposed site. Alphen summarized the Proposed Findings of Fact dated June 18, 2003. Alphen outlined the requested Variances. Alphen requested withdrawal without prejudice of the request for a Variance relating to inside storage. Alphen pointed out on the plan the parking location of the school buses. The Board requested demarcation of where the buses will be parked in accordance with the applicant's proposal. Frank asked for written evidence regarding a valid contract with the bus company and the Westford School Department.

Herrmann was concerned with equipment and vehicles being parked on the site given the list of potential tenants i.e., limousine service, paving company, fence company, general contractor, etc. Herrmann felt that equipment and vehicle storage would

increase greatly with those types of tenants. Herrmann suggested a condition limiting the size of a vehicle in addition to the number of vehicles. Herrmann asked where the bus drivers' cars will be parked once the area is paved. Alphen did not have details on the new parking layout for the bus drivers' cars at this time. Alphen stated that parking will be addressed with the Planning Board as well as planting requirements. Herrmann stated that he did not want to see cars parked on Town Farm Road or on the school property.

Frank recommended putting all of the conditions on the proposed Use Variance on the entire parcel and then as a supplement to that an overlay of the Use Variance for the buses. Alphen concurred. Frank felt that adequate screening was needed.

Hall recommended that the applicant define the type of storage and limit the amount of storage so that the area does not become dumping ground for any piece of material that may be used accessory or pertinent to that particular operation. Alphen stated that the Zoning Bylaw addresses outside storage of vehicles and goods which must be in screened areas. Hall requested that some type of limit be placed on the screened-in area. Hall also requested that the vehicles parked in the screened area be registered and relevant to the business. Alphen stated that there will be no trailers used for storage purposes on the site. Kahl stated that he would be an on-site landlord. Alphen read the section of the Bylaw regarding the storage of vehicles and trailers.

Kazeniac was concerned with parking congestion during school hours with the bus drivers and workers in the trade service areas.

Earl suggested, if approved, the Board make a condition that site plan review provide for parking of vehicles and buses. Frank strongly suggested some kind of green screening. Herrmann felt that screening will cause problems for the buses leaving the site. Frank recommended sending a letter to the Planning Board outlining the Board's concerns.

The Board reviewed the list of "trade type" services prepared by the applicant. The Board was concerned with certain businesses creating noise, parking and aesthetic issues.

The Board discussed the following proposed conditions:

- 1) All vehicles be licensed relevant to the business and owned by the owner of parcel, a tenant, or one of their employees;
- 2) The light manufacturer should be incidental to the trade, to the business or to the professional use;
- 3) No outside repairs or refueling of tenants' vehicles or equipment will take place on the site;
- 4) No vehicles over one ton will be parked outside the screened-in area on nights or weekends;
- 5) All allowed business uses are consistent with the conditions;
- 6) Adequate parking for 40 spaces with the buildings plus 30 to 35 spaces for the bus drivers plus 35 buses to be determined during site plan review;
- 7) This Use Variance applies to the entire site and the existing Use Variance applies to bus parking area only.

Frank read the list of Variance requests as prepared by Attorney Alphen dated June 18, 2003.

There was no input from the floor.

It was moved by Herrmann, seconded by Earl, and VOTED 5 IN FAVOR WITH 2 ABSENT (Enis, Johnson), to Grant the requested Use Variance, adding the 7 conditions, with the 5 clauses dropping the inside storage clause and modifying the existing Use Variance to take out items 6 and 7 and to allow the applicant to withdraw without prejudice the request for a Variance related to inside storage.

ADJOURNMENT

It was moved by Herrmann, seconded by Earl, and VOTED 5 IN FAVOR WITH 2 ABSENT (Enis, Johnson), to adjourn the meeting.

Submitted by Beth Kinney, Recording Secretary